

REMARKS/ARGUMENTS

Claims 1-19, 21-40 and 56 stand rejected in the outstanding Official Action. Claim 23 has been cancelled without prejudice and claim 21 amended. Accordingly, claims 1-19, 21, 22, 24-40 and 56 are the only claims remaining in this application.

The Examiner's acknowledgment of Applicants' claim for foreign priority and receipt of the certified copy of the priority document is very much appreciated. Additionally, the Examiner's indication of PTO acceptance of the formal drawings is appreciated. Finally, the Examiner's consideration of the prior art previously submitted with Applicants' Information Disclosure Statement is appreciated.

In section 4 on page 2 of the Official Action, claims 1-5, 8, 11, 14, 16-18, 21-27, 32, 38, 40 and 56 stand rejected under 35 USC §102 as being anticipated by Althaus (U.S. Patent 6,092,935). The Court of Appeals for the Federal Circuit has noted in the case of *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 USPQ 481, 485 (Fed. Cir. 1984) that "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Independent claims 1, 21, 22 and 56 recite that the first and second housing members are "mutually inter-engageable." These claims also recited that the engagement of the first and second housing members provides an "hermetic seal" and also specify that the engagement step is performed in a controlled atmosphere. Therefore, in order to anticipate any of these independent claims or claims dependent thereon, the Althaus reference must disclose both inter-engageability between the first and second housing members, as well as a hermetic seal being

provided within a controlled atmosphere. It will be seen that Althaus simply does not disclose any of these claims method steps or claimed interrelationships.

As discussed in detail in Applicants' specification, there are difficulties with conventional hermetic sealing steps, in that materials providing the hermetic seal such as a metal, eutectic alloy, elastomer or an adhesive, especially in a lower pressure atmosphere, can provide "outgassing" which may be a contaminant of the electronic device enclosed therein. Applicants found that by providing first and second housings which are inter-engageable, the need for such seal materials is obviated.

The term "engage" is defined as "to interlock with" (a copy of page 412 of *Webster's Ninth New Collegiate Dictionary* is attached hereto). As used in the present application, it would be readily understood by those of ordinary skill in the art that the term "mutually inter-engageable" means that the first and second housing members engage each other so as "to interlock with" one another. Because this is the manner in which the phrase "mutually inter-engageable" is used in Applicants' specification, this is in accord with the common dictionary definition thereof. In order to anticipate Applicants' claim 1, it is necessary that the Examiner indicate how he believes that the elements in the Althaus reference are "mutually inter-engageable."

A brief review of Althaus discloses that there is no mutual engagement between covering cap 3 or covering cap mounting region 12 resulting in any "interlocking." In fact, Althaus specifically teaches away from such interlocking mutual engagement by specifying that the sizing is "done in such a way that the covering cap 3 placed onto the covering cap mounting region 12 of the support plate 2 [and] can be displaced parallel to the upper surface 20 of the

support plate 2 in all directions. (Column 6, lines 22-25). (See also column 7, lines 17-19).

Thus, instead of teaching any mutual inter-engagement such that a part interlocks with another part, Althaus teaches the known prior art method of mechanically fixing and hermetically sealing joint 28 between the support plate 2 and the covering cap 3, i.e., “resistance welding, laser welding or conventional weld seam, but could also be soldered or adhesively bonded.” (Althaus, column 5, lines 61-65).

Thus, Althaus not only fails to teach the claimed relationship between the first and second housing members, i.e., inter-engageability, but also teaches away from such inter-engageability by stressing the necessity of resistance welding, laser welding, etc., the conventional manners of forming a hermetic seal between the housing members. This fails to teach Applicants’ claimed method step of using the engagement between the housing members to form the hermetic seal. Also, it is unclear that Althaus teaches the assembly step being performed “in a controlled atmosphere” as required by Applicants’ claim.

Accordingly, because Althaus fails to disclose the method steps of claim 1 and the claimed interrelationships of elements specified in claims 21, 22 and 56, it cannot anticipate the subject matter of these independent claims or claims dependent thereon and therefore any further rejection under 35 USC §102 is respectfully traversed.

Claims 1, 3-5, 8, 11-13, 21-23, 25-27, 32, 33, 35, 36 and 56 stand rejected under 35 USC §102 as being anticipated by Webster (U.S. Patent 6,686,588). As noted above, Applicants’ independent claims require “mutually inter-engageable first and second housing members” where the housing members inter-engage to form “an hermetic seal” and where the engagement step is performed “in a controlled atmosphere.” Webster, just as in Althaus, fails to teach

“mutually inter-engageable first and second housing members.” Moreover, Webster specifically teaches a locking feature which comprises “step like” features and an adhesive bond with which to lock the step-like features to the base sidewall (column 7, lines 32-36). Thus, there is no inter-engagement, nor is there any inter-engagement by which a hermetic seal is provided. The parts are secured and the hermetic seal is provided in the Webster reference by an adhesive bond (column 8, lines 28-31).

Therefore, in view of the fact that Webster fails to teach the claimed subject matter of Applicants’ independent claims, i.e., (a) mutually inter-engageable first and second housing members (b) forming a “hermetic seal” and (c) forming the seal in a controlled atmosphere, it is submitted that the independent claims and all claims dependent thereon cannot be anticipated by Webster under 35 USC §102.

It is also specifically noted that Applicants’ claim 3 specifies that the inter-engagement comprises “an interference fit” between the first and second housing members. This limitation has also been added to independent claim 21 and therefore it is noted that the subject matter of these two claims cannot be disclosed by either Althaus or Webster because there is simply no disclosure of any interference fit between the first and second housing members in either of these references.

Claims 6, 15, 28 and 39 stand rejected under 35 USC §103 as being unpatentable over Althaus in view of De Poorter (U.S. Patent 5,578,863). Inasmuch as claims 6, 15, 28 and 39 depend ultimately from independent claims 1, 21 and 22, the above comments distinguishing claims 1, 21 and 22 from the Althaus reference are herein incorporated by reference. The Examiner does not contend that the De Poorter reference teaches “mutually inter-engageable first

and second housing members,” a “hermetic seal” provided thereby and/or the performance of an engagement step within a controlled atmosphere. Therefore, the subject matter of the independent claims and claims 6, 15, 28 and 39 dependent thereon is clearly patentable over the Althaus reference even when combined with De Poorter. Moreover, the Examiner provides no reason or motivation for one of ordinary skill in the art to combine the Althaus and De Poorter references and therefore the combination of these references would not be apparent to one of ordinary skill in the art.

As a result of the above, there is simply no basis for rejection of claims 6, 15, 28 and 39 as being obvious over the Althaus/De Poorter combination.

Claims 7 and 29 stand rejected under 35 USC §103 as being unpatentable over Althaus in view of Fayfield (U.S. Patent 5,198,664). Claims 7 and 29 ultimately depend from claims 1 and 21 and therefore the above comments regarding these independent claims in view of the Althaus reference are herein incorporated by reference. Additionally, the Examiner does not allege that the Fayfield reference teaches the missing features of the independent claim, i.e., mutual inter-engageable first and second housing members, where the housing members form an hermetic seal and that the seal is formed in “a controlled atmosphere.” Therefore, even if Althaus and Fayfield were combined, they would not disclose or render obvious Applicants’ independent claims.

Additionally, the Examiner has failed to provide any reason or motivation for combining the Althaus and Fayfield references and therefore any further rejection of claims 7 and 29 under 35 USC §103 is respectfully traversed.

Claims 9, 10, 19, 30 and 31 stand rejected under 35 USC §103 as unpatentable over Althaus in view of Palmer (U.S. Patent 4,307,934). Again, it is noted that claims 9, 10, 19, 30 and 31 depend from either claims 1 or 21 and therefore the above comments distinguishing independent claims 1 and 21 from the Althaus reference are herein incorporated by reference. Again, the Examiner fails to allege that Palmer teaches the missing features of Applicants' independent claims, i.e., mutually inter-engageable first and second housing members, such members forming an hermetic seal and the sealing being performed in a controlled atmosphere. Therefore, even if Althaus were combined with Palmer, the combination would not disclose or render obvious the subject matter of the independent claims or claims dependent thereon.

Finally, the Examiner has failed to identify any "reason" or "motivation" as to why one of ordinary skill in the art would pick and choose elements from the Althaus and Palmer references and combine them in the manner claimed. Accordingly, any further rejection of claims 9, 10, 19, 30 and 31 under 35 USC §103 is respectfully traversed.

Claims 34 and 37 stand rejected under 35 USC §103 as being unpatentable over Althaus in view of Akagawa (U.S. Patent 5,804,827). Again, because claims 34 and 37 ultimately depend from claim 21, the above comments distinguishing claim 21 from the Althaus reference are herein incorporated by reference, i.e., that claim 21 specifies an interference seal between the first and second housing members which forms an hermetic seal which is then provided within a controlled atmosphere. The Examiner makes no allegation that Akagawa teaches the features missing from the Althaus reference and required by independent claim 21 and thus claims 34 and 37 dependent thereon. Accordingly, even if Althaus and Akagawa were combined, they would not render obvious the subject matter of claims 34 and 37.

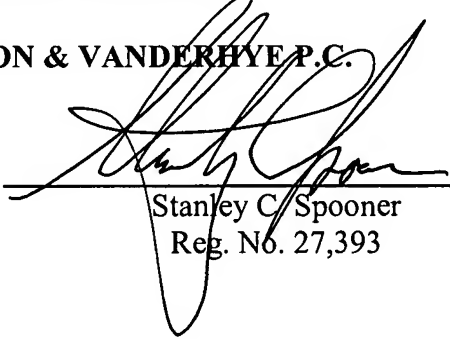
Additionally, the Examiner has failed to set out the required "reason" or "motivation" for combining these two different references. Accordingly, any further rejection of claims 34 and 37 over the Althaus/Akagawa combination is respectfully traversed.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that remaining claims 1-19, 21, 22, 24-40 and 56 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of these claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

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Attachment:

Page 412 of *Webster's Ninth New Collegiate Dictionary*

412 end product • English

end product *n* (1903): the final product of a series of processes or activities

en-drin \en-'drɒn/ *n* [end- + dieldrin] (ca. 1952): a chlorinated hydrocarbon insecticide $C_{12}H_8Cl_6O$ that is a stereoisomer of dieldrin and resembles dieldrin in toxicity

end run *n* (1902) 1: a football play in which the ballcarrier attempts to run wide around the end of the line 2: an evasive trick

end-stopped \en-(d)-stɒpt/ *adj* (1877): marked by a logical or rhetorical pause at the end (an ~ line of verse) — compare RUN-ON

end table *n* (1851): a small table that is usu. about the height of the arm of a chair and is used beside a larger piece of furniture (as a sofa)

en-due \in-'d(y)u/ *vt* en-dued; en-duing [ME *enduen*, fr. L *inducere*, fr. *ind-* in (fr. OL *indu*) + *-uere* to put on — more at INDIGENOUS] (15c): PUT ON, DON

en-due *vt* en-dued; en-duing [ME *enduen*, fr. MF *enduire* to bring in, introduce, fr. L *inducere* — more at INDUCE] (15c) 1: PROVIDE, ENDOW 2: IMBUE, TRANSFUSE

en-dur-able \in-'d(y)ur-ə-bəl/ *adj* (1800): capable of being endured

BEARABLE — en-dur-ably \-bəl/ *adv*

en-dur-ance \in-'d(y)ur-ən(t)s/ *n* (15c) 1: PERMANENCE, DURATION 2: the ability to withstand hardship, adversity, or stress 3: SUFFERING, TRIAL

en-dure \in-'d(y)u(ə)r/ *vb* en-dured; en-during [ME *enduren*, fr. MF *endurer*, fr. (assumed) VL *indurare*, fr. L, to harden, fr. *in-* + *durare* to harden, endure — more at DURING] *vi* (14c) 1: to continue in the same state 2: to remain firm under suffering or misfortune without yielding ~ *vi* 1: to undergo (as, a hardship) esp. without giving in 2: TO TOLERATE, PERMIT *syn* see BEAR, CONTINUE

en-dur-ing *adj* (1532): LASTING, DURABLE — en-dur-ing-ly \-d(y)ur-ɪŋ-lē/

en-dur-ing-ness *n*

en-duro \in-'d(y)u(ə)r-(j)u/ *n*, *pl* en-dur-os [irreg. fr. *endurance*] (1930): a long race (as for automobiles or motorcycles) stressing endurance rather than speed

end-ways \en-'dwāz/ *adv* or *adj* (1575) 1: with the end forward (as toward the observer) 2: in or toward the direction of the ends 3: LENGTHWISE (~ pressure) 3: on end: UPRIGHT (boxes set ~)

end-wise \en-'dwīz/ *adv* or *adj* (1657): ENDWAYS

Endym-ion \en-'dim-ē-ən/ *n* [L, fr. Gk *Endymion*]: a beautiful youth loved by Selene

end zone *n* (1928): the area at either end of a football field between the goal line and the end line

-ene \en/ *n* suffix [ISV, fr. Gk *-ēnē*, fem. of *-ēnos*, *adj.* suffix]: unsaturated carbon compound (benzene); *esp*: carbon compound with one double bond (ethylene)

ene-ma \en-'ə-mə/ *n*, *pl* enemas also ene-ma-ta \en-'ə-mät-ə, 'en-'ə-mät-ə/ [LL, fr. Gk, fr. *enienai* to inject, fr. *en-* + *hienai* to send — more at JET] (15c) 1: the injection of liquid into the intestine by way of the anus 2: material for injection as an enema

ene-mi \en-'ə-mē/ *n*, *pl* -mies [ME *enemi*, fr. OF, fr. L *inimicus*, fr. *in-* + *amicus* friend — more at AMIABLE] (13c) 1: one that is antagonistic to another; *esp*: one seeking to injure, overthrow, or confound an opponent 2: something harmful or deadly 3 a: a military adversary b: a hostile unit or force

en-er-get-ic \en-'ər-'jet-ik/ *adj* [Gk *energetikos*, fr. *energein* to be active; fr. *ergos*] (1652) 1: operating with or marked by vigor or effect 2: marked by energy: STRENUOUS 3: of or relating to energy (~ equation) *syn* see VIGOROUS — en-er-get-ic-ally \-i-k(ə)-lē/ *adv*

en-er-get-ics \-iks/ *n* *pl* but *sing* in constr (1855) 1: a branch of mechanics that deals primarily with energy and its transformations 2: the total energy relations and transformations of a physical, chemical, or biological system (the ~ of an ecological community)

en-er-gize \en-'ər-'jīz/ *vb* -gized; -giz-ing *vi* (1752): to put forth energy: ACT ~ *vt* 1: to impart energy to 2: to make energetic or vigorous 3: to apply voltage to — en-er-giz-a-tion \en-'ər-'jī-zā-shən/ *n*

en-er-gizer \-jī-zər/ *n* (1750): one that energizes; *esp*: ANTIDEPRESSANT

en-er-gy \en-'ər-'jē/ *n*, *pl* -gies [LL *energia*, fr. Gk *energeia* activity, fr. *energos* active, fr. *en* in + *ergon* work — more at WORK] (1599) 1: vigorous exertion of power: EFFORT (investing time and ~) 2 a: the capacity of acting or being active (intellectual ~) b: dynamic quality (narrative ~) 3: the capacity for doing work 4: usable power (as heat or electricity); also: the resources for producing such power *syn* see POWER

energy level *n* (1910): one of the stable states of constant energy that may be assumed by a physical system — used esp. of the quantum states of electrons in atoms and of nuclei; called also *energy state*

en-er-vate \i-'nər-vət/ *adj* (1603): lacking physical, mental, or moral vigor: ENERVATED

en-er-vate \en-'ər-'vāt/ *vt* -vat-ed; -vat-ing [L *enervatus*, pp. of *enervare*, fr. *e-* + *nervus* sinew — more at NERVE] (1614) 1: to lessen the vitality or strength of 2: to reduce the mental or moral vigor of *syn* see UNNERVE — en-er-va-tion \en-'ər-'vā-shən/ *n*

en-fant ter-ri-ble \än-'fän-'te-rē-bəl/ *n*, *pl* enfants terribles [same] [F, lit., terrifying child] (1851) 1: one whose inopportune remarks or unconventional actions cause embarrassment 2: one who is strikingly unorthodox, innovative, or avant-garde

en-fee-ble \in-'fē-bəl/ *vt* en-fee-bled; en-fee-bling \-b(ə)-lɪŋ/ [ME *enfeblen*, fr. MF *enfeblir*, fr. OF, fr. *en-* + *feble* feeble] (14c): to make feeble: deprive of strength *syn* see WEAKEN — en-fee-ble-ment \-bəl-mənt/ *n*

en-feoff \in-'fēf, -fēf/ *vt* [ME *enfeoffen*, fr. AF *enfeoffer*, fr. OF *en-fief* fief] (15c): to invest with a fief, fee, or other possession — en-feoff-ment \-mənt/ *n*

en-fet-ter \in-'fēt-ər/ *vt* (1604): to bind in fetters: ENCHAIN

en-fe-ver \in-'fē-vər/ *vt* (1647): FEVER

En-field rifle \en-'fild-/ *n* [Enfield, England] (1854): a .30 caliber bolt-action repeating rifle used by U.S. and British troops in World War I

en-fi-lade \en-'fä-läd, -läd/ *n* [F, fr. *enfiler* to thread, enfilade, fr. OF, to thread, fr. *en-* + *fil* thread — more at FILE] (1705) 1: an arrangement (as of rooms) in opposite and parallel rows 2: gunfire directed along the length of an enemy battle line

en-fi-lade \-läd-ed; -läd-ing (1706): to rake or be in a position to rake with gunfire in a lengthwise direction

enflame *var* of INFLAME

en-fleur-age \än-'flor-'äzh/ *n* [F, fr. *enfleurir* to saturate with the perfume of flowers, fr. *en-* + *fleur* flower; fr. OF *flor* — more at FLOWER] (ca. 1855): a process of extracting perfumes by exposing absorbents to the exhalations of flowers

en-fold \in-'föld/ *vt*, (1592) 1 a: to cover with or as if with folds: ENVELOP b: to surround with a covering: CONTAIN 2: to clasp within the arms: EMBRACE

en-force \in-'fō(ə)s, -fō(ə)rs/ *vt* [ME *enforcen*, fr. MF *enforcier*, fr. OF *fr. en-* + *force* force] (14c) 1: to give force to: STRENGTHEN 2: to urge with energy 3: CONSTRAIN; COMPEL 4 obs: to effect or gain by force 5: to carry out effectively (~ laws) — en-force-abil-ity \-fōr-sə-'bil-ə-tē, -fōr-/ *n* — en-force-able \-fōr-sə-bəl, -fōr-/ *adj* — en-force-ment \-fōr-smənt, -fōr-/ *n* — en-force-er *n*

en-fran-chise \in-'fran-'chiz/ *vt* -chised; -chising [ME *enfranchisen*, fr. MF *enfranchiss*, stem of *enfranchir*, fr. OF, fr. *en-* + *franc* free: more at FRANK] (15c) 1: to set free (as from slavery) 2: to endow with a franchise: as a: to admit to the privileges of a citizen; *specif*: to admit to the right of suffrage b: to admit (a municipality) to political privileges or rights — en-fran-chise-ment \-chiz-mənt, -chiz-/ *n*

en-gage \in-'gāj/ *vb* en-gaged; en-gag-ing [ME *engagen*, fr. MF *engagier*, fr. OF, fr. *en-* + *gag* token, gag] *vt* (15c) 1: to offer (as one's word) as security for a debt or cause 2 a obs: to entangle or entrap in or as if in a snare or bog b: to attract and hold by influence or power 3: to interlock with: MESH; also: to cause (mechanical parts) to mesh 3: to bind (as oneself) to do something; *esp*: to bind by a pledge to marry 4 a: to provide occupation for: INVOLVE (~ him in a new project) b: to arrange to obtain the use or services of: HIRE 5 a: to hold the attention of: ENGROSS (her work ~s her completely) b: to induce to participate (engaged the shy boy in conversation) 6 a: to enter into contest with b: to bring together or interlock (weapons) 7: to deal with *esp*, at length ~ *vi* 1 a: to pledge oneself: PROMISE b: GUARANTEE (he ~s for the honesty of his brother) 2 a: to begin and carry on an enterprise (he engaged in trade for a number of years) b: to take part: PARTICIPATE (at college he engaged in gymnastics) 3: to enter into conflict 4: to come together and interlock (as of machinery parts): be or become in gear

en-gage \än-'gäzh-'ä/ *adj* [F, pp. of *engager* to engage, fr. MF *engagier*] (1546): being actively involved in or committed esp. to political concerns

en-gaged \in-'gäjd/ *adj* (1615) 1: involved in activity: OCCUPIED 2: pledged to be married: BETROTHED 3: greatly interested: COMMITTED 4: involved *esp*. in a hostile encounter 5: partly embedded in a wall (an ~ column) 6: being in gear: MESHED

en-gage-ment \in-'gäj-mənt/ *n* (1624) 1 a: a promise to be present at a specified time and place b: employment *esp*. for a stated time 2: something that engages: PLEDGE 3 a: the act of engaging (the state of being engaged) b: BETROTHAL 4: the state of being in gear 5: a hostile encounter between military forces

en-gag-ing *adj* (1673): tending to draw favorable attention: ATTRACTIVE — en-gag-ing-ly \-gä-jɪŋ-lē/ *adv*

en-gar-land \in-'gär-länd/ *vt* (1581): to adorn with or as if with a garland

Eng-el-mann spruce \en-'gəl-mən-/ *n* [George Engelmann; 1884-Am. botanist] (1866): a large spruce (*Picea engelmannii*) of the Rocky mountain region and British Columbia that yields a light-colored wood

en-gen-der \in-'jen-dər/ *vb* en-gen-dered; en-gen-der-ing \-d(ə)-rɪŋ/ [ME *engender*, fr. MF *engendr*, fr. L *ingenerare*: fr. *in-* + *generare* to generate] *vt* (14c) 1: BEGET, PROCREATE 2: to cause to exist or to develop: PRODUCE (angry words ~ strife) ~ *vi*: to assume form: ORIGINATE

en-gild \in-'gild/ *vt* (15c): to make bright with or as if with light

en-gine \en-'jɛn/ *n* [ME *engin*, fr. MF, fr. L *ingenium* natural disposition, talent, fr. *in-* + *gignere* to beget — more at KIN] (14c) 1 obs: a: INGENUITY b: evil contrivance: WILE 2: something used to effect a purpose: AGENT, INSTRUMENT (mournful and terrible ~ of horror and of crime — E. A. Poe) 3 a: a mechanical tool: as (1): an instrument or machine of war (2) obs: a torture implement b: MACHINERY c: any of various mechanical appliances — compare FIRE ENGINE

4: a machine for converting any of various forms of energy into mechanical force and motion 5: a railroad locomotive

en-gine *vi* en-gined; en-gin-ing (1868): to equip with engines

en-gined \en-'jɛnd/ *adj* *comb* form: having (such or so many) engines (front-engined cars) (four-engined planes)

en-gi-neer \en-'jɛn-ɪər/ *n* [alter. (influenced by -eer) of earlier *engineer*, fr. ME, alter. of *enginour*, fr. MF *engineur*, fr. OF *engignier* to contrive, fr. *engin*] (14c) 1: a member of a military group devoted to engineering work 2 obs: a crafty schemer: PLOTTER 3 a: a designer or builder of engines b: a person who is trained in or follows as a profession a branch of engineering c: a person who carries through an enterprise by skillful or artful contrivance 4: a person who runs or supervises an engine or an apparatus

en-gi-neer *vi* (1843) 1: to lay out, construct, or manage as an engineer 2 a: to contrive or plan out usu. with more or less subtle skill and craft b: to guide the course of 3: to modify or produce by genetic engineering (insulin made by genetically ~ed bacteria — *Technical Survey*) *syn* see GUIDE

en-gi-neer-ing *n* (1720) 1: the activities or function of an engineer; as a: the art of managing engines b: calculated manipulation or direction (as of behavior) (social ~) — compare GENETIC ENGINEERING 2: the application of science and mathematics by which the properties of matter and the sources of energy in nature are made useful to people in structures, machines, products, systems, and processes — compare BIOENGINEERING

en-gi-ne-ry \en-'jɛn-ɪ-ri/ *n* (1641) 1: instruments of war 2: machines and tools: MACHINERY

en-gird \in-'gɔrd/ *vt*, *archaic* (1566): GIRD, ENCOMPASS

en-gir-dle \in-'gɔrd-l/ *vt* (1602): to encircle with or as if with a girdle

en-gla-cial \en-'glä-shəl/ *adj* (ca. 1891): embedded in a glacier

En-glish \in-'glɪʃ, 'ɪŋ-'glɪʃ/ *adj* [ME, fr. OE *Englisc*; fr. *Engle* (pl.) Angles] (bef. 12c): of, relating to, or characteristic of England, the English people, or the English language — English-ness *n*